

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:
All Actions

**AFFIDAVIT OF JULIE HAUSER IN
OPPOSITION TO 3M COMPANY'S
MOTION TO REMOVE
"CONFIDENTIAL" DESIGNATION
FROM DOCUMENTS PRODUCED
BY RIDGEVIEW MEDICAL
CENTER**

(FILED UNDER SEAL)

Julie Hauser, being duly sworn, deposes and declares:

1. I am the Executive Director Governance & Compliance of Ridgeview Medical Center and am familiar with the alleged facts and legal arguments being made with respect to 3M Company's Motion to Remove "Confidential" Designation from documents marked as "Confidential" by Ridgeview Medical Center in response to a subpoena served upon Ridgeview Medical Center by 3M Company.

2. Attached hereto as **Exhibit A** is a true and correct copy of a document dated stamped RMC000906 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. It is a chart that depicts the owned and affiliated organizations of Ridgeview Medical Center. This document was created internally by Ridgeview Medical Center and Ridgeview Medical Center considers it to be confidential. It demonstrates the complicated structure of Ridgeview Medical Center and its related entities.

3. Ridgeview Medical Center takes many, many steps to protect its business information that it considers to be confidential from public disclosure. Ridgeview Medical Center has 369 policies and over 1,000 procedures as it relates to its business operations. It considers all of these policies and procedures to be confidential business records. Attached to this Declaration are certain policies that concern the confidentiality of the keeping of Ridgeview Medical Center's information and data, the training as it relates to this topic, and processes that are in place to protect as confidential the very information and data sought to be de-designated by 3M Company's motion in this case.

4. The majority of Ridgeview Medical Center's policies are on a three-year review cycle and that is the reason for the language set forth in shaded grey stating "Uncontrolled" on the various policies and documents. The policies are effective as of the date that they were printed out by the employee. I printed out these policies on May 9, 2017, which is the reason why there is the date of May 9th at the bottom of each of these policies. Ridgeview Medical Center employs individuals whose job is to review and update these policies as necessary by regulation, statute, and internal management requests.

5. Ridgeview Medical Center's computer system is protected from public disclosure through the policies and procedures of Ridgeview Medical Center, certain policies of which are attached to this Declaration. Ridgeview Medical Center has an entire Technology Department and the employees within that department specifically work to maintain the privacy of Ridgeview Medical Center's data.

6. Attached hereto as **Exhibit B** is a true and correct copy of documents bates stamped RMC000907-RMC000912 being produced and marked as “Confidential” under the Protective Order in support of Ridgeview Medical Center’s Opposition to 3M Company’s motion. These documents contain Policy No. 2617 and the subject of this Policy is Privacy of Protected Health Information.

7. Attached hereto as **Exhibit C** is a true and correct copy of documents bates stamped RMC000913-RMC000917 being produced and marked as “Confidential” under the Protective Order in support of Ridgeview Medical Center’s Opposition to 3M Company’s motion. These documents contain Policy No. 2733 and the subject of this Policy is Code of Ethical Behavior and Business.

8. Attached hereto as **Exhibit D** is a true and correct copy of documents bates stamped RMC000918-RMC000921 being produced and marked as “Confidential” under the Protective Order in support of Ridgeview Medical Center’s Opposition to 3M Company’s motion. These documents contain Policy No. 2966 and the subject of this Policy is Social Media.

9. Attached hereto as **Exhibit E** is a true and correct copy of documents bates stamped RMC000922-RMC000923 being produced and marked as “Confidential” under the Protective Order in support of Ridgeview Medical Center’s Opposition to 3M Company’s motion. These documents contain Policy No. 3501 and the subject of this Policy is Access Control Policy.

10. Attached hereto as **Exhibit F** is a true and correct copy of documents bates stamped RMC000924-RMC000925 being produced and marked as “Confidential” under

the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. These documents contain Policy No. 3503 and the subject of this Policy is Administrator/Special Access Policy.

11. Attached hereto as **Exhibit G** is a true and correct copy of documents bated stamped RMC000926-RMC000929 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. These documents contain Policy No. 3508 and the subject of this Policy is Data Classification Policy.

12. Attached hereto as **Exhibit H** is a true and correct copy of documents bated stamped RMC000930-RMC000933 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. These documents contain Policy No. 3511 and the subject of this Policy is Enterprise Information Security Governance Policy.

13. Attached hereto as **Exhibit I** is a true and correct copy of documents bated stamped RMC000934-RMC000935 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. These documents contain Policy No. 3516 and the subject of this Policy is Passwords Policy.

14. Attached hereto as **Exhibit J** is a true and correct copy of documents bated stamped RMC000936-RMC000937 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M

Company's motion. These documents contain Policy No. 3517 and the subject of the Policy is Physical Security Policy.

15. Attached hereto as **Exhibit K** is a true and correct copy of document bates stamped RMC000938 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. This document is the Termination/Separation Checklist that Ridgeview Medical Center requires each employee to go through with the Human Resources Department and/or the employee's manager to ensure that confidential documents have been returned and that employees are not leaving with Ridgeview Medical Center's information or data.

16. Attached hereto as **Exhibit L** is a true and correct copy of documents bates stamped RMC000939-RMC000940 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. These documents contain Policy No. 3518 and the subject of this Policy is Privacy (Employee) Policy.

17. Attached hereto as **Exhibit M** is a true and correct copy of documents bates stamped RMC000941-RMC000943 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. These documents contain Policy No. 3521 and the subject of this Policy is Vendor/Third-Party Access Policy.

18. Attached hereto as **Exhibit N** is a true and correct copy of documents bates stamped RMC000944-RMC000951 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M

Company's motion. These documents contain Ridgeview Medical Center's Code of Conduct and are documents that employees are trained on through a computer module setting. Employees sign off on the training electronically. Ridgeview Medical Center employs nearly 1,800 employees and its employees are required to attend the computer module training and electronically acknowledge that they agree to comply with these policies. The Organizational Effectiveness Department maintains the electronic signatures of Ridgeview Medical Center's employees as it relates to their agreement to comply with this Code of Conduct. That department also keeps track of the electronic training of Ridgeview Medical Center's employees on this policy as well as other topics which require training.

19. Attached hereto as **Exhibit O** is a true and correct copy of documents bates stamped RMC000952-RMC000957 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. These documents contain an Employee Acknowledgement form regarding Ridgeview Medical Center's Employee Handbook that employees agree to abide by, the table of contents of the Employee Handbook, and the specific policy regarding confidentiality contained within the Employee Handbook. The Human Resources Department maintains the executed employee acknowledgement forms.

20. Attached hereto as **Exhibit P** is a true and correct copy of document bates stamped RMC000958 being produced and marked as "Confidential" under the Protective Order in support of Ridgeview Medical Center's Opposition to 3M Company's motion. This document is the Computer Access Request Form that is completed with each newly

hired employee upon the time of hire. It is then provided to the Technology Department within Ridgeview Medical Center which department then provides electronic access as designated on the form to the specific employees.

21. Ridgeview Medical Center produced 905 documents in response to the subpoena served upon it by 3M Company. Of the over 900 documents produced, 3M is seeking to de-designate as "Confidential" only a handful of 50 documents. I have reviewed those documents and provide the following declaration as it relates to the steps taken by Ridgeview Medical Center to maintain these specific documents as "Confidential" within the Ridgeview Medical Center organization.

22. Document bate stamped RMC000039 is an internal chart prepared as a business internal document by Ridgeview Medical Center. It is kept on its server by limited administrative employees and is not subject to public disclosure. Upon information and belief, this document has not been made the subject of public disclosure by Ridgeview Medical Center or any third party. Ridgeview Medical Center considers this information to be kept in the regular course of its business. Its infection rates are considered to be private data. This document was not disclosed to the public previously by Ridgeview Medical Center, despite 3M Company's accusations to the contrary. Even if certain information contained on the document may be part of a public disclosure, the document in its form and entire substance has not been subject to public disclosure to the best of Ridgeview Medical Center's knowledge, and upon its information and belief. The document in its form must be kept as "Confidential" as it is a document created by Ridgeview Medical Center's administrative and management personnel and has been

protected from public disclosure through the keeping of it on its computer password protected system in accordance with the attached policies. It would be to Ridgeview Medical Center's competitive disadvantage if this document were made the subject of public disclosure.

23. Documents bated stamped RMC000300, RMC00050-00055, RMC00057-00062, and RMC00064-00073 are all documents between Ridgeview Medical Center and Augustine Temperature Management that are protected confidential business records of Ridgeview Medical Center that Ridgeview Medical Center does not have the permission of Augustine Temperature Management to disclose, and that Ridgeview Medical Center has kept in a confidential format at the administrative and/or management level within the Ridgeview Medical Center organization. Upon information and belief, these documents have not been made the subject of public disclosure by Ridgeview Medical Center or any third party. Ridgeview Medical Center maintains these documents on its electronic computer system with limited access by certain administrative department employees; said documents are only accessible through appropriate passwords on its electronic computer system as set forth in the attached policies. Ridgeview Medical Center does not allow the public or other employees within Ridgeview Medical Center to have access to its executive and administrative level employee computer systems. It would be to Ridgeview Medical Center's disadvantage if these documents were made the subject of public disclosure.

24. It would be to Ridgeview Medical Center's competitive disadvantage to allow these documents to become available to the public as they contain vendor information which Ridgeview Medical Center considers to be private and confidential

business information. Ridgeview Medical Center does not disclose to the public its vendor information, business contracts that it enters into with third parties, or other information concerning the running and operation of Ridgeview Medical Center. Ridgeview Medical Center considers all of this information and data to not be public, and third parties that enter into contracts with Ridgeview Medical Center also expect their contractual relationships with Ridgeview Medical Center to not be subject to public disclosure. Upon information and belief, these documents have not been made the subject of public disclosure by Ridgeview Medical Center or any third party.

25. Documents bated stamped RMC00064-00071 contain a Mutual Confidentiality and Non-Disclosure Agreement entered into between Ridgeview Medical Center and Augustine BioMedical Design. The very nature of this agreement is to protect documents from public disclosure between these two entities. This agreement evidences that both Ridgeview Medical Center as well as Augustine BioMedical Design take steps to protect their confidential business information from public disclosure. Upon information and belief, these documents have not been made the subject of public disclosure by Ridgeview Medical Center or any third party. Ridgeview Medical Center would be at a competitive disadvantage if these documents were made the subject of public disclosure.

26. Documents bated stamped RMC00072-00073 involve business documents in draft form prepared by Ridgeview Medical Center by an individual employed within the organization in an administrative capacity. These documents have not been disclosed to the public and are notes made within the Ridgeview Medical Center organization in the regular course of its business operations. Ridgeview Medical Center restricts access to

these documents that are kept on its computer system from employees within its organization through its password protected system. Upon information and belief, these documents have not been made the subject of public disclosure by Ridgeview Medical Center or any third party. Ridgeview Medical Center would be at a competitive disadvantage if these documents were made the subject of public disclosure.

27. Documents bated stamped RMC000179, 00093-00095, 000102-000105, and 000173-000176 are internal e-mail communications within Ridgeview Medical Center, and external e-mail communications between Ridgeview Medical Center and Scott Augustine, Brent Augustine, and Randy Benham on behalf of Augustine BioMedical Design. Ridgeview Medical Center prohibits access from the public to its internal e-mail communications within Ridgeview Medical Center and also prohibits public access to its external e-mail communications with third parties, including its vendors. Ridgeview Medical Center protects from public disclosure its internal and external e-mail communications through various levels of password protections in place on Ridgeview Medical Center's computer system. Ridgeview Medical Center considers its e-mail system both within the organization and as communicated with outside third parties to be confidential business communications and data. Upon information and belief, these documents have not been made the subject of public disclosure by Ridgeview Medical Center or any third party. Ridgeview Medical Center would be at a competitive disadvantage if these documents were made the subject of public disclosure.

28. Documents bated stamped RMC000025 and RMC000184-000185 are documents prepared by Ridgeview Medical Center in the ordinary course of its business

operations that are restricted to the public from disclosure through the keeping of these documents on Ridgeview Medical Center's electronic computer system. They are kept private through password protection and have not been made public by Ridgeview Medical Center. They are draft documents that upon information and belief have not been made the subject of public disclosure by Ridgeview Medical Center or any third party. Ridgeview Medical Center would be a competitive disadvantage if these documents were made the subject of public disclosure.

29. Documents bated stamped RMC000127-000129 are e-mail communications with an outside vendor, Brent Augustine, that Ridgeview Medical Center considers to be protected confidential business information. Upon information and belief, these documents have not been made the subject of public disclosure by Ridgeview Medical Center or any third party. These documents are kept on Ridgeview Medical Center's electronic e-mail computer system and are password protected documents contained on administrative employees' e-mail systems as well as on third party's vendor's e-mail systems. As indicated above, Ridgeview Medical Center considers its third party vendor information to be confidential business information and also considers its computer system to be protected from public disclosure. Ridgeview Medical Center would be at a competitive disadvantage if these documents were made the subject of public disclosure.

30. Documents bated stamped RMC0002-0009 are documents prepared for Ridgeview Medical Center by Mark Albrecht, a third party vendor. Upon information and belief, these documents have not been made the subject of public disclosure by Ridgeview Medical Center or any third party. These documents have been kept in the regular course

of Ridgeview Medical Center's business and Ridgeview Medical Center requests that they be kept as "Confidential" within this litigation proceeding. Ridgeview Medical Center considers these documents to be confidential business information that if made public, would leave Ridgeview Medical Center at a competitive disadvantage.

31. At no time did Ridgeview Medical Center provide permission for any specific infection rates to be disclosed publicly by Scott Augustine, or any other third party. To the extent that there was publication made by Scott Augustine, or any other third party, it was done so without Ridgeview Medical Center's permission or consent.

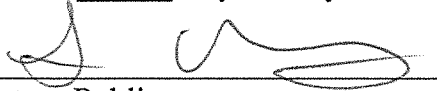
32. Ridgeview Medical Center did not participate in a study with Scott Augustine or any entity owned by Scott Augustine, including but not limited to, Augustine Temperature Management or Augustine BioMedical Design. The study never came to fruition between Ridgeview Medical Center and Scott Augustine, or any entity owned in whole or in part by him.

FURTHER YOUR AFFIANT SAYETH NOT.

Date: May 11, 2017


Julie Hauser

Subscribed and sworn to before
me this 11 day of May, 2017.


Notary Public

